

# **EXHIBIT 1**

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**From:** Jeannie Evans <jeannie@hbsslaw.com>  
**Sent:** Thursday, November 30, 2023 5:32 PM  
**To:** Turner, Serrin (NY); Valenti, Matthew (NY); Steve Berman; dsmith  
**Cc:** Mester, Mark (CH)  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Ok, we can plan on the briefing schedule we discussed, and make changes if needed.

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** Serrin.Turner@lw.com <Serrin.Turner@lw.com>  
**Sent:** Thursday, November 30, 2023 3:56 PM  
**To:** Jeannie Evans <jeannie@hbsslaw.com>; Matthew.Valenti@lw.com; Steve Berman <Steve@hbsslaw.com>; dsmith <dsmith@aureliuslawgroup.com>  
**Cc:** mark.mester@lw.com  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie – Currently we are planning to move to compel arbitration and reserve our rights on all other arguments. We can let you know if that changes.

We of course are always willing to work with you on scheduling if you need more time for some reason.

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**From:** Jeannie Evans <[jeannie@hbsslaw.com](mailto:jeannie@hbsslaw.com)>  
**Sent:** Thursday, November 30, 2023 4:41 PM  
**To:** Valenti, Matthew (NY) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>; Turner, Serrin (NY) <[Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com)>; Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>  
**Cc:** Mester, Mark (CH) <[mark.mester@lw.com](mailto:mark.mester@lw.com)>  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Serrin and Matt,

Thanks for the call just now.

One clarification question – What, if any, arguments do Defendants anticipate making in addition to the arbitration argument on 2/9/2024? Depending on the scope of your motion, Plaintiffs may want to move our response date further back.

I'm happy to jump on another call if that would be helpful.

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** Jeannie Evans  
**Sent:** Wednesday, November 29, 2023 5:38 PM  
**To:** [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com); [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com); Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>

Cc: [mark.mester@lw.com](mailto:mark.mester@lw.com)

Subject: RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Matt – Attached is a draft status report, including a proposed schedule for discovery and briefing any Rule 12 motions, taking into account the dates you proposed.

We can discuss during our call tomorrow.

Best,  
Jeannie

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** Jeannie Evans

**Sent:** Wednesday, November 29, 2023 10:17 AM

**To:** [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com); [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com); Steve Berman <[Steve@hbsslw.com](mailto:Steve@hbsslw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>

**Cc:** [mark.mester@lw.com](mailto:mark.mester@lw.com)

**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Yes, that works for us. Thanks.

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>

**Sent:** Wednesday, November 29, 2023 10:12 AM

**To:** Jeannie Evans <[jeannie@hbsslw.com](mailto:jeannie@hbsslw.com)>; [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com); Steve Berman <[Steve@hbsslw.com](mailto:Steve@hbsslw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>

**Cc:** [mark.mester@lw.com](mailto:mark.mester@lw.com)

**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie,

We are available tomorrow at 3:30 ET / 2:30 CT. If that still works for you, we will send around a dial-in.

Thanks,  
Matt

**Matthew P. Valenti**

**LATHAM & WATKINS LLP**

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<https://www.lw.com>

Hi Matt,

Tomorrow does not work for us, but we are available Thursday from 9am-3pm and 4-5pm Central. Is there a good time for you Thursday?

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>  
**Sent:** Tuesday, November 28, 2023 3:52 PM  
**To:** Jeannie Evans <[jeannie@hbsslaw.com](mailto:jeannie@hbsslaw.com)>; [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com); Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>  
**Cc:** [mark.mester@lw.com](mailto:mark.mester@lw.com); [Gary.Feinerman@lw.com](mailto:Gary.Feinerman@lw.com)  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie,

Thank you for sending the new case form. Do you have availability tomorrow to discuss the points in your email below? We are available tomorrow afternoon before 5pm ET.

Thank you,

Matt

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**From:** Jeannie Evans <[jeannie@hbsslaw.com](mailto:jeannie@hbsslaw.com)>  
**Sent:** Monday, November 27, 2023 8:58 PM  
**To:** Valenti, Matthew (NY) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>; Turner, Serrin (NY) <[Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com)>; Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>  
**Cc:** Mester, Mark (CH) <[mark.mester@lw.com](mailto:mark.mester@lw.com)>; Feinerman, Gary (CH) <[Gary.Feinerman@lw.com](mailto:Gary.Feinerman@lw.com)>  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Matt,

Thanks for your proposal. We would like to discuss this in the context of Judge Durkin's procedures for new cases, including the submission of a proposed discovery schedule. See attached.

We will prepare a draft discovery schedule for your review, and we will get back to you on your proposed briefing schedule.

Best,

Jeannie

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>

**Sent:** Monday, November 27, 2023 4:41 PM

**To:** Jeannie Evans <[jeannie@hbsslw.com](mailto:jeannie@hbsslw.com)>; [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com); Steve Berman <[Steve@hbsslw.com](mailto:Steve@hbsslw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>

**Cc:** [mark.mester@lw.com](mailto:mark.mester@lw.com); [Gary.Feinerman@lw.com](mailto:Gary.Feinerman@lw.com)

**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Jeannie,

We'd like to set a briefing schedule that works for both sides, and propose the following.

- Friday, February 9, 2024: Defendants' deadline to answer, move, or respond to the complaint
- Monday, March 11, 2024: Plaintiffs' deadline to oppose any motions filed in response to the complaint
- Monday, April 1, 2024: Defendants' deadline to reply

The February 9 response date is intended to build in some extra time for the holidays and to account for briefing schedules in other litigations on our end around this same time. It is also earlier than the 90 days to which PDD Holdings is entitled, but we think it makes sense to keep the Temu and PDD briefing schedules linked, and therefore proposed something between 60 and 90 days after service for both Defendants.

Let us know if it would be helpful to discuss and if you'd prefer any alternate dates.

Thank you,

Matt

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**From:** Jeannie Evans <[jeannie@hbsslaw.com](mailto:jeannie@hbsslaw.com)>  
**Sent:** Monday, November 20, 2023 2:15 PM  
**To:** Turner, Serrin (NY) <[Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com)>; Steve Berman <[Steve@hbsslaw.com](mailto:Steve@hbsslaw.com)>; dsmith <[dsmith@aureliuslawgroup.com](mailto:dsmith@aureliuslawgroup.com)>  
**Cc:** Mester, Mark (CH) <[mark.mester@lw.com](mailto:mark.mester@lw.com)>; Feinerman, Gary (CH) <[Gary.Feinerman@lw.com](mailto:Gary.Feinerman@lw.com)>; Valenti, Matthew (NY) <[Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)>  
**Subject:** RE: Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Hi Serrin,

Thank you for reaching out, and for agreeing to waive service. Attached is a waiver form, which you can sign and return to me, and then we will file it with the Court.

Best,

Jeannie

**Jeannie Evans** | Hagens Berman Sobol Shapiro LLP | (708) 628-4966

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**From:** [Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com) <[Serrin.Turner@lw.com](mailto:Serrin.Turner@lw.com)>  
**Sent:** Monday, November 20, 2023 9:07 AM  
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**Cc:** [mark.mester@lw.com](mailto:mark.mester@lw.com); [Gary.Feinerman@lw.com](mailto:Gary.Feinerman@lw.com); [Matthew.Valenti@lw.com](mailto:Matthew.Valenti@lw.com)  
**Subject:** Ziboukh v. Whaleco, 23-cv-15653 (N.D. Ill.)

Counsel:

We have been retained to represent Whaleco and PDD Holdings in the above referenced matter. We are willing to waive service on behalf of both defendants. Could you please send us a waiver form that we could execute and send back to you?

Thank you – and look forward to working across from you on this matter.

**Serrin Turner**

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